

PATENT

Application No. 09/350,875  
Attorney Docket No.: 98-113



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Walker et al.

Application No.: 09/350,875

Filed: July 9, 1999

For: MULTI-TIER PRICING OF  
INDIVIDUAL PRODUCTS BASED  
ON VOLUME DISCOUNTS

Customer No. 22927

Group Art Unit: 3627

Examiner: Gerald J. O'Connor

PETITION UNDER 37 C.F.R. §1.181

Attorney Docket No. 98-113

Cops page  
no. 24

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office OR deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 6, 2004 By:

Veronika S. Leliever

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JAN 16 2004

GROUP 3600

PETITION UNDER 37 C.F.R. § 1.181  
INVOLVING AN EX PARTE ACTION WHICH IS NOT SUBJECT TO APPEAL

Points to be Reviewed

Whether an Examiner may hold an Application Abandoned for Failure to Respond less than seven months after a Notice of Appeal has been timely filed / received.

01/09/2004 AWONDAF1-00000047 500271-09530875

01 FC:1460 130.00 DA

01/12/2004 BABRAHA1 00000061 500271 09350875

01 FC:1460 130.00 DA

Adjustment date: 01/12/2004 BABRAHA1  
01/09/2004 AWONDAF1-00000047 500271-09530875  
01 FC:1460 130.00 CR  
98-113 PT 1.5.04

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OFFICE OF PETITIONS

**Summary of Facts Involved**

<b><u>Filing</u></b>	<b><u>Date</u></b>
Final Office Action mailed	December 03, 2003
Notice of Appeal with sufficient extension fees filed	June 03, 2003
Notice of Appeal received by PTO	June 05, 2003
Notice of Abandonment mailed	December 15, 2003
Examiner Interview	January 05, 2004

1. The Examiner mailed a Notice of Abandonment for failure to respond to an Office Action only six months and ten days (i.e. less than seven months) after a timely Notice of Appeal was received by the PTO.
2. On January 02, 2004 Applicants submitted to the Examiner a written request for reconsideration of the Abandonment. This written request was preceded by multiple telephone requests to the Examiner. To the best of Applicants' knowledge, the Examiner has not withdrawn the Abandonment of the present Application.
3. On January 05, 2004, during a telephone interview between the Examiner and Applicants' representative, the Examiner indicated that although the Examiner received Applicants' request for reconsideration, the Examiner did not have the authority to change the status of the Application from that of Abandoned. The Examiner recommended that Applicants file a Petition to Revive.
4. An Appeal Brief was timely filed on January 05, 2004 with the required five months of extension fees.

**Action Requested**

In short, Applicants request that the Abandonment of the Application be withdrawn. Applicants specifically request that the Application be considered as never abandoned, and the Appeal Brief filed on January 05, 2004 (with sufficient fees for extension of time) be accepted as timely filed.

**Full Statement of Facts Involved**

On December 03, 2002 a Final Office Action was mailed for the present Application. The time period for reply to this Office Action was set at three months, this date being March 03, 2003.

On June 03, 2003 (six months from the mailing date of the Final Office Action), Applicants filed a Notice of Appeal, accompanied by authorization to charge Applicants' Deposit Account for three months of extension fees (in the amount of \$460.00).

On June 05, 2003 the Notice of Appeal was received and entered by the PTO, with the appropriate extension fees accepted. The accompanying File Contents History from the PTO's PAIR system demonstrates this fact.

On December 15, 2003, the Examiner mailed a Notice of Abandonment for Failure to Reply to an Office Action. This Notice of Abandonment was mailed less than seven months from the date the Notice of Appeal was received by the PTO.

From the period of December 15, 2003 to January 05, 2004 Applicants have telephone the Examiner multiple times to discuss the inappropriateness of the Abandonment of the Application, providing the Examiner with various authorities that support the fact that Applicants have up to seven months from the date the Notice of Appeal is filed in the PTO to file an Appeal Brief. The Examiner disagreed with Applicants' position.

On December 19, 2003 Applicants filed Petition for Extension of Time under 37 CFR 1.136(a), requesting a five month extension of time within which the Appeal Brief may be filed. The petition was accompanied by an authorization to charge Applicants' Deposit Account for the amount of \$1,005.00 (the appropriate fee for a five month extension of time). The result of this petition was to extend the time within which Applicants may filed the Appeal Brief to January 05, 2004. A return receipt postcard received by Applicants from the PTO indicates that this petition and authorization of payment of extension fees was received by the PTO on January 02, 2004. A copy of this return receipt postcard is attached hereto.

On January 02, 2003 (less than one month from the mailing date of the Notice of Abandonment), Applicants faxed to the Examiner a written request for reconsideration of the Abandonment and telephoned the Examiner, leaving a message indicating that the fax was sent. The faxed request for reconsideration again reiterated the authorities for the fact that Applicants have up to seven months from the date of the Notice of Appeal to file an Appeal Brief and requested that the Examiner withdraw the Abandonment. No response has been received from the Examiner regarding this fax. A copy of the fax, and the transmission confirmation from Applicants' fax machine, is attached hereto.

On January 05, 2004, during a telephone interview between the Examiner and Applicants' representative, the Examiner indicated that although the Examiner received and considered the Request for Reconsideration, faxed to the Examiner on January 02, 2004, the Examiner did not have the authority to change the status of Abandonment. A copy of the Interview Summary for this telephone interview is attached hereto.

On January 05, 2004, Applicants filed an Appeal Brief for the present Application.

**Arguments**

The Appeal Brief was timely filed within seven months of the date of the Notice of Appeal. Accordingly, the Application was prematurely and incorrectly held to be Abandoned for Failure to Reply to an Office Action.

(1) 35 U.S.C. 134 pertains to Appeals to the Board of Patent Appeals and Interferences. This section of the statute does not set any maximum time periods for filing an Appeal Brief.

(2) 35 U.S.C. 135 sets a six month maximum time period for replying to an Office Action; this section does not apply to Appeal Briefs.

(3) An Applicant has two months from the date of appeal to file an Appeal Brief. The date of appeal is the date the PTO receives the Notice of Appeal. This time period for filing an Appeal Brief may be extended up to five months in addition to the two months initially allotted. MPEP 1206 (8<sup>th</sup> Editions).

(4) 35 U.S.C. 136 authorizes the payment of fees for extensions of time within which to provide correspondence to the PTO.

(5) The PTO has consistently and unambiguously interpreted 35 U.S.C. 136 as allowing up to seven (7) months after the date of the Notice of Appeal for filing an Appeal Brief, if the appropriate extension fees are paid.

See, for example, "Training and Implementation Guide for the Final Rule: Changes to Patent Practice and Procedure, effective December 1, 1997":

"Section 1.136: Section 1.136(a)(1) is amended to recite the availability of a maximum of five rather than four months as an extension of time, subject to any maximum period for reply set by statute. For example, when a one-month or 30-day period is set for reply to a restriction requirement or for completing a reply under §1.135(c), that period may be extended up to the six-month statutory (35 U.S.C. 133) maximum. In addition, **as the two-month period set in § 1.192(a)**

**for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. 133, the period for filing an appeal brief may be extended up to seven months."** (emphasis added; available at <http://www.uspto.gov/go/rules/changppp.htm>).

See also, "Petitions Practice within the PTO on Patent Matters", Section (VI) (G), fourth paragraph:

**"In addition, as the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the maximum six-month maximum period, the filing of an appeal brief may be extended up to seven months by paying for a five-month extension of time."** (available at <http://www.uspto.gov/web/offices/pac/dapp/opla/petprac.htm#petexof>).

(6) Since Applicants have filed an Appeal Brief for the present Application within seven (7) months of the date of the Notice of Appeal and paid the appropriate five months of extension fees, the Appeal Brief was timely filed. Accordingly, the Notice of Abandonment of the Application was prematurely issued and should be withdrawn.

### **Petition Proper**

This petition is timely filed, having been filed within two months of the Notice of Abandonment for Failure to Reply to an Office Action mailed December 15, 2003. A request for reconsideration has been made to the Examiner, however the Examiner has maintained the Abandonment.

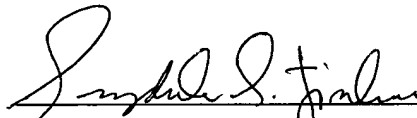
**Conclusion**

The Assistant Commissioner is hereby authorized to charge \$130.00 petition fee (37 CFR 1.17(h)) to Deposit Account No. 50-0271. Order number 98-113. The Assistant Commissioner is further authorized to charge any additional fees which may be required for the submission of this paper, or credit any overpayment to Deposit Account No. 50-0271.

Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this submission timely, and charge any fee for such an extension to Deposit Account No. 50-0271. A duplicate copy of this authorization is enclosed for such purposes.

Upon USPTO's finding that no petition fee is required in this instance, Applicants respectfully request a refund of the petition fee. Thank you for your consideration in this matter.

Respectfully submitted,



Magdalena M. Fincham  
Attorney for Applicants  
Registration No. 46,085  
Walker Digital, LLC  
(203) 461-7041 /direct  
(203) 461-7300 /fax  
[Mfincham@walkerdigital.com](mailto:Mfincham@walkerdigital.com)

January 5, 2004  
Date

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): JAY S. WALKER et al.

Docket No.

98-113

Serial No.

09/350,875

Filing Date

July 9, 2003

Examiner

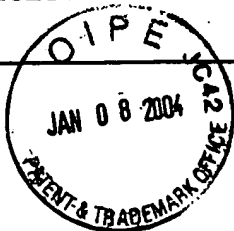
O'CONNOR, Gerald

Group Art Unit

3627

**COPY**

Invention:

**MULTI-TIER PRICING OF INDIVIDUAL PRODUCTS BASED ON VOLUME DISCOUNTS**

I hereby certify that this PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)  
(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 19, 2003  
(Date)

Veronika S. Leliever

(Typed or Printed Name of Person Mailing Correspondence)

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JAN 10 2004

Petition for Extension of Time Under 37 CFR 1.136(a), 1 pg. (x2).

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JAN 13 2004

P07A/REV03

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Walker Digital

# Fax

To: Examiner O'Connor	From: Magdalena Fincham
Fax: 703-746-3976	Pages: 4 (including cover)
Phone: 703-305-1525	Date: 1/2/04
Re: App. 09/350,875	Direct # 203-461-7091

Called + left  
message, informing  
Ex. O'Connor of the  
sending of this fax  
on 1/2/04

*Magdalena Fincham*

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www.uspto.gov

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/350,875	07/09/1999	JAY S. WALKER	WD2-98-113	8896
22927	7590	06/12/2003		

WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905

**COPY**

EXAMINER

O CONNOR, GERALD J

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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JAN 16 2004

**CROUP 3600**

File No:	98-113
Attorney:	MMF
Due Date:	09-12-03
Docketed:	06-16-03

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JAN 13 2004

**OFFICE OF PETITIONS**

JUN 16 2003

on JAN 08 2004

Applicant(s)	Walker et al.
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Art Unit	3627
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THE REPLY FILED June 5, 2003  FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

~~THE PERIOD FOR REPLY~~ [check only a) or b)]

- Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- NOTE:**

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JAN 16 2004

3. ☐ Applicant's reply has overcome the following rejection(s):

**GROUP 3600**

4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

**Claim(s) allowed:** *none*

Claim(s) objected to: *none*

**Claim(s) rejected: 1-15, 32, and 57-71**

Claim(s) withdrawn from consideration: *none*

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 20

10. ☐ Other:

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**ROBERT P. OLSZEWSKI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

~~JAN 13 2004~~

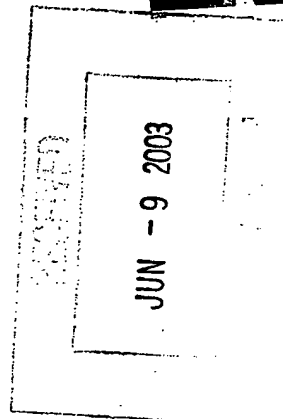
## OFFICE OF PETITIONS

### Advisory Action

Part of Paper No. 22

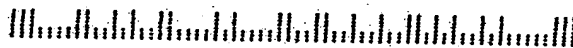
INFORMATION DISCLOSURE CITATIONS				Docket Number (Optional)		Application Number	
Use several sheets if necessary				98.		09/350,875	
				Applicant(s)			
				JAY S. WALKER et al.			
				Filing Date		Group Art Unit	
				July 9, 1999		3627	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JL	A	5,056,019	10.8.1991	Schultz et al.	364	405	
	B	5,444,630	8.22.1995	DLUGOS	364	464.02	
	C	5,537,314	7.16.1996	KANTER	364	406	
	D	US6,332,128 B1	12.18.2001	NICHOLSON	705	14	
	E	2001/0056376 A1	12.27.2001	Walker et al.	705	15	
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
JL				June 10, 2003			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

# COPY



Aimée J. Knoller  
Records Manager  
Walker Digital Management, LLC  
Five High Ridge Park  
Stamford, CT 06905

17



Commissioner for Patents:

Date Received:

Applicant: WALKER et al.  
Appl. No.: 09/350,875  
Filing Date: July 9, 1999  
Title: MULTI-TIER PRICING OF INDIVIDUAL PRODUCTS BASED  
ON VOLUME DISCOUNTS  
(98-113)

Sir:

Please acknowledge receipt of the following papers by stamping the date received on this card and returning the same to the addressee:

- Combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences & Petition for Extension of Time, 2 pp., (x2).

Date mailed: June 3, 2003.

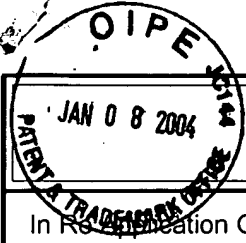
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BOARD OF PATENT APPEALS  
AND INTERFERENCES

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3627



**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
98-113

In Re Application Of:  
**JAY S. WALKER et al.**

Serial No. 09/350,875	Filing Date July 9, 1999	Examiner O'Connor, Gerald J.	Group Art Unit 3627
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Title:  
**MULTI-TIER PRICING OF INDIVIDUAL PRODUCTS BASED ON VOLUME DISCOUNTS**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Applicants' Interview Summary, 1 pg.; and  
Return Receipt Postcard.**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
  - ☐ Charge the amount of \_\_\_\_\_
  - ☒ Credit any overpayment.
  - ☒ Charge any additional fee required.

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JAN 12 2004  
**GROUP 3600**  
50-0271

Signature

Dated: January 6, 2004

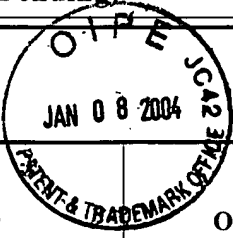
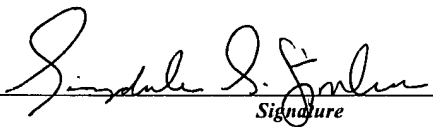
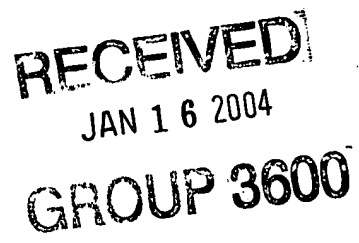
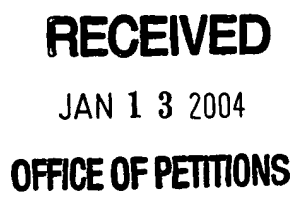

**Magdalena M. Fincham**  
**Attorney for Applicants**  
**PTO Registration No. 46,085**  
**Walker Digital, LLC**  
**203.461.7337/phone**  
**203.461.7300/fax**

**CUSTOMER NO. 22927**

**Mfincham@walkerdigital.com**  
cc:

I certify that this document and fee is being deposited January 6, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Signature of Person Mailing Correspondence	
Veronika S. Leliever	
Typed or Printed Name of Person Mailing Correspondence	

50216

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)			Docket No. 98-113	
In Re Application Of: JAY S. WALKER et al.				
Serial No. 09/350,875	Filing Date July 9, 1999		Examiner O'Connor, Gerald J.	Group Art Unit 3627
Title: <b>MULTI-TIER PRICING OF INDIVIDUAL PRODUCTS BASED ON VOLUME DISCOUNTS</b>				
<u>TO THE COMMISSIONER FOR PATENTS:</u>				
Transmitted herewith is: Petition Under 37 C.F.R. 1.181 Involving an Ex Parte Action Which Is Not Subject to Appeal, 7 pp.; PAIR Print Out of File Contents History, dated January 5, 2004, 2 pp.; Copy of Return Receipt Postcard Mailed June 3, 2003, stamped by USPTO with June 5, 2003 date; (showing receipt date of Combined Notice of Appeal From the Primary Examiner To The Board Of Patent Appeals); Copy of Advisory Action, dated June 12, 2003, (3 pp.); Copy of Fax sent January 2, 2004, (5 pp.); Copy of Return Receipt Postcard Stamped received by USPTO and Petition for Extension of Time, 4 pp.; and Applicants' Interview Summary, 1 pg.; and Postcard.				
in the above identified application.				
<input type="checkbox"/> No additional fee is required.				
<input type="checkbox"/> A check in the amount of _____ is attached.				
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-0271 as described below.				
<input checked="" type="checkbox"/> Charge the amount of \$130.00				
<input checked="" type="checkbox"/> Credit any overpayment.				
<input checked="" type="checkbox"/> Charge any additional fee required.				
 _____ Signature		Dated: January 5, 2004		
Magdalena M. Fincham Attorney for Applicants PTO Registration No. 46,085 Walker Digital, LLC 203.461.7041/phone 203.461.7300/fax				
CUSTOMER NO. 22927				
Mfincham@walkerdigital.com		<div style="font-size: small;">I certify that this document and fee is being deposited January 6, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div> <div style="text-align: center;"> _____ Signature of Person Mailing Correspondence</div> <div style="text-align: center;">Veronika S. Leliever _____ Typed or Printed Name of Person Mailing Correspondence</div>		
CC:				



TO: Examiner O'Connor

FROM: Magdalena M. Fincham

RE: Application No. 09/350,875

Examiner O'Connor:

I understand there has been some confusion as to the maximum allowable time for extensions for filing an Appeal Brief. I have included below various authorities that clarify that an Appeal Brief may be filed up to 7 months from the time of filing a Notice of Appeal. I draw your attention in particular to the last item (#5) on the list below, which includes the PTO's unambiguous interpretations on this issue, as posted on the PTO website.

At this time, I would like to clear this issue up directly with you and request a withdrawal of the Abandonment, based on the authorities below. The Appeal Brief will be timely filed on Monday, January 5, 2004. If we cannot resolve this issue by that time, I will also be filing a Petition to the Commissioner on Monday, January 5, formally requesting a withdrawal of the Abandonment. I appreciate your time on this matter and hope to resolve it expeditiously. I invite you to call me at (203) 461 – 7041 or e-mail me at [mfincham@walkerdigital.com](mailto:mfincham@walkerdigital.com) to discuss this issue at any time.

Best Regards,

Magdalena M. Fincham

Reg. No. 46,085

Date: January 02, 2004

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**OFFICE OF PETITIONS**



**(1). §1.136 Extensions of time.**

(a)(1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of **any maximum period set by statute or five months after the time period set for reply**, if a petition for an extension of time and the fee set in §1.17(a) are filed

**(2). A maximum period for Office Actions is set by statute:**

**35 U.S.C. 133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application **within six months after any action** therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

**(3). No maximum period for Appeal Briefs is set by statute**

**35 U.S.C. 134** is the part of the statute on Appeals to the Board. It does not set any maximum periods for anything.

**(4). MPEP 1206 (8th Ed. page 1200-7)**

**"TIME FOR FILING APPEAL BRIEF**

...

The usual period of time in which appellant must file his or her brief is 2 months from the date of appeal. The Office date of receipt of the notice of appeal (and not the date indicated on any Certificate of Mailing under 37 CFR 1.8) is the date from which this 2 month time period is measured.

...

In the event that the appellant finds that he or she is unable to file a brief within the time period allotted by the rules, he or she may file a petition, with fee, to the

Technology Center (TC), requesting additional time under 37 CFR 1.136(a). Additional time in excess of 5 months will not be granted unless extraordinary circumstances are involved under 37 CFR 1.136(b)."

**NOTE IN PARTICULAR:**

**(5). The PTO unambiguously interprets this rule as allowing up to 7 months after the filing of the Notice of Appeal.**

For example, see "Training and Implementation Guide for the Final Rule: Changes to Patent Practice and Procedure, effective December 1, 1997":

"Section 1.136: Section 1.136(a)(1) is amended to recite the availability of a maximum of five rather than four months as an extension of time, subject to any maximum period for reply set by statute. For example, when a one-month or 30-day period is set for reply to a restriction requirement or for completing a reply under §1.135(c), that period may be extended up to the six-month statutory (35 U.S.C. 133) maximum. In addition, **as the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. 133, the period for filing an appeal brief may be extended up to seven months.**" (emphasis added; available at <http://www.uspto.gov/go/rules/changppp.htm>).

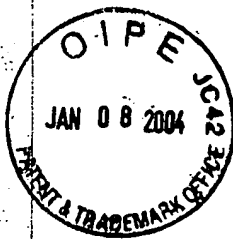
See also

"Petitions Practice within the PTO on Patent Matters", Section (VI) (G), fourth paragraph:

"In addition, as the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the maximum six-month maximum period, the filing of an appeal brief may be extended up to seven months by paying for a five-month extension of time."

(available at  
<http://www.uspto.gov/web/offices/pac/dapp/opla/petprac.htm#petexof>)

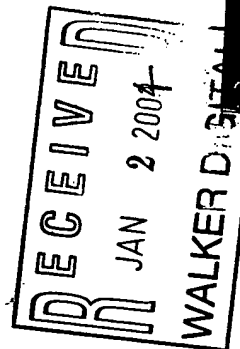
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DEC 29 2003

OFFICE OF PETITIONS



|||||  
Aimée J. Knoller  
Records Manager  
Walker Digital Management, LLC  
Five High Ridge Park  
Stamford, CT 06905

Commissioner for Patents:

Date Received:

Applicant: WALKER et al.  
App. No.: 09/350,875  
Filing Date: July 9, 1999  
Title: MULTI-TIER PRICING OF INDIVIDUAL PRODUCTS BASED  
ON VOLUME DISCOUNTS  
(98-113)

Sir:

Please acknowledge receipt of the following papers by stamping the date received on this card and returning the same to the addressee.

- Certificate of Mailing By First Class Mail (37 CFR 1.8), 1 pg.; and
- Petition for Extension of Time Under 37 CFR 1.136(a), 1 pg., (x2).

Date mailed: December 19, 2003.